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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 May 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 January 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a)☐ All b)☐ Some * c)☐ None of:

 1.☒ Certified copies of the priority documents have been received.

 2.☐ Certified copies of the priority documents have been received in Application No. _____.

 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This communication is in response to the arguments filed on May 14, 2007.

Objection to the drawings is withdrawn.

35 U.S.C 112 2nd paragraph rejections are withdrawn.

35 U.S.C 101 rejections are withdrawn.

Claims 19-20 have been added by the Applicant.

Applicant's arguments, with respect to **claims 1-18**, have been fully considered

but they are not deemed to be persuasive.

Claims 1-20 are pending in this Office Action.

Response to Arguments

2.   After further search and a thorough examination of the present application,

claims 1-18 remain rejected.

First, Applicant's arguments towards Hewagamage et al. (*Augmented Album:*

Situation-dependent System for a Personal Digital Video/Image Collection", hereinafter

Hewagamage) regarding the fact that Hewagamage only specifically teaches each of

the parameters associated with an object are independent parameters that are each

associated with the data object. That is, each of the location, time, and event

parameters is a source parameter.

In response to the Applicant's arguments, the Examiner respectfully submits in

particular. Hewagamage explicitly states that Event Component is used to show the

event categories that exist according to the current view in the Map Component and the

Time Frame Component. Thus, the event categories are used to group images/video clips as a way to show the contextual relevancy of those icons. When the user selects a particular event category, then icons appeared in the Map and Time Frame Components are restricted to be the ones in that category ([Page 325, Right Column, Lines 50-58]). It's clearly proven that event component/parameter is indeed the classification parameter whilst time and location are source parameters used to support event component/parameter.

Second, Applicant's arguments towards Hewagamage regarding the fact that the Office action asserts Hewagamage teaches that "*pictures taken in same location and with insignificant time differences are grouped in same event*", but provides no evidence for this assertion.

In response to the Applicant's arguments, the Examiner respectfully submits in particular. Accordingly, Hewagamage clearly discloses the functionality of Map Component as if a picture was taken at a specific location, a small icon appears to indicate the picture at that location. If several pictures (videos and/or images) are taken at the same location having insignificant time difference, i.e., the values representing time and location of these pictures are approximately equal, then they are considered to belong to the same context and a single icon is used to represent them ([Page 325, Left Column, Lines 50-58]). Hewagamage continues disclosing the Event Component is used to show the event categories that exist according to the current view in the Map Component and Time Frame Component. Event categories are used to group images/video clips as a way to show the contextual relevancy of those icons. When the

user selected a particular event category, then icons appeared in the Map and Time

Frame Components are restricted to be the ones in that category ([Page 325, Right

Column, Lines 50-58]). It's clearly proven that the user can associate a particular

classification parameter (event category) to the data object (pictures/video clips taken at

same location with insignificant time difference) corresponding to the events in the

user's personal scheduler application ([Page 324, Right Column, Lines 27-33]) as in

claim 1.

The Examiner is entitled to give claim limitations their broadest reasonable

interpretation in light of the specification.

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest

reasonable interpretation consistent with the specification.' Applicant always has the

opportunity to amend the claims during prosecution and broad interpretation by the

Examiner reduces the possibility that the claim, once issued, will be interpreted more

broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Reference is made to MPEP 2144.01 - Implicit Disclosure

"[I]n considering the disclosure of a reference, it is proper to take into account not only

specific teachings of the reference but also the inferences which one skilled in the art would

reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344

(CCPA 1968)

Subsequent to an analysis of the claims it was revealed that a number of

limitations recited in the claims belong in the prior art and thus encompassed and/or

implicitly disclosed in the reference (s) applied and cited. It is logical for the Examiner to

focus on the limitations that are "crux of the invention" and not involve a lot of energy

and time for the things that are not central to the invention, but peripheral. The

Examiner is aware of the duties to address each and every element of claims, however,

it is also important that a person prosecuting a patent application before the Office or an

stakeholders of patent granting process make effort to understand the level of one of

ordinary skill in the (data processing) art or the level one of skilled in the (data

processing) art, as encompassed by the applied and cited references. The

administrative convenience derived from such a cooperation between the attorneys and

Examiners benefits the Office as well the patentee.

In view of the above, the Examiner contends that all limitations as recited in the

claims have been addressed in this Action.

For the above reasons, the Examiner believed that rejection of the last Office

action was proper.

Hence, Applicant's arguments do not distinguish over the claimed invention over

the prior art of record.

In light of the foregoing arguments, the 102 and 103 rejections are hereby

sustained.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate Paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this Section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-18**, as well as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by **Hewagamage et al. (Augmented Album: Situation-dependent System for a Personal Digital Video/Image Collection).**

Regarding **claim 1**, Hewagamage et al. clearly shows and discloses [Page 323, Left Column, Line 50 → Page 323, Right Column, Line 14] a method for classification of a data object in a database (*utilization of context to provide easy-to-use and easy-to-remember interface for the management and retrieval of digital videos / images*) [Page 323, Right Column, Lines 2-4],

obtaining ~~the data object having~~ at least one source parameter (*geographical location, time*) [Page 323, Right Column, Line 13] associated <u>with the data object, and</u> ~~therewith, by~~

associating a classification parameter (corresponding event) [lines 15-16] with the data object, ~~wherein the classification parameter is associated with the data object when~~ <u>based on</u> a value of the <u>at least one</u> source parameter ~~satisfies~~ sastifying at least one criterion <u>corresponding to the classification parameter</u> (*pictures taken in same location and with insignificant time difference are grouped in same event*) [Page 325, Left Column, Lines 50-58], [Page 325, Right Column, Lines 50-58]. Note that the criterion here is values of location and time of different pictures are equal.

Regarding **claim 2**, and **as applied to claim 1 above**, Hewagamage et al.

further discloses a method ~~wherein~~ including:

storing the classification parameter (*corresponding event*) (Page

323, Right Column, Lines 13-14] ~~is associated~~ with the data object (*digital*

videos / images) [Page 323, Right Column, Lines 3-4] when the data

object is entered into the database (*the data streams of camera are*

recorded in its internal memory and SIT transfers them while integrating

the relevant situational information when the connection is established)

[Page 324, Right Column, Lines 39-42].

Regarding **claim 3**, and **as applied to claim 1 above**, Hewagamage et al.

further discloses a method wherein:

the criterion ~~is that~~ includes whether the value of the at least one

source parameter (*geographical location, time*) [Page 323, Right Column,

Line 13] is within a predetermined range (*Sensor Agent works as a*

reactive agent to capture the location, time and possible event information

from a personal scheduler) [Page 324, Right Column, Lines 33-52], e.g.,

time when pictures are taken are within range of time from user's personal

scheduling application.

Regarding **claim 4**, and **as applied to claim 3 above**, Hewagamage et al.

further discloses a method wherein the at least one source parameter represents

a geographical location of the creation of the data object [Page 323, Right

Column, Lines 3-4], and the criterion ~~is that the value of the source parameter is~~

~~such that~~ <u>includes determining whether</u> the creation of the data object has taken place in a predetermined region <u>based on the geographical location</u> (*Sensor Agent works as a reactive agent to capture the location, time and possible event information from a personal scheduler*) [Page 324, Right Column, Lines 33-52], e.g., location when pictures are taken are within region from user's personal scheduling application.

Regarding **claim 5**, and **as applied to claim 1 above**, Hewagamage et al. further discloses a method wherein the criterion ~~is that~~ <u>includes determining whether</u> the value of the source parameter (*geographical location, time*) [Page 323, Right Column, Line 13] equals a predetermined value (*Sensor Agent works as a reactive agent to capture the location, time and possible event information from a personal scheduler*) [Page 324, Right Column, Lines 33-52], e.g., time when pictures are taken are exact as time from user's personal scheduling application.

Regarding **claim 6**, and **as applied to claim 1 above**, Hewagamage et al. further discloses a method [Pages 325, Left Column, Line 25 → Page 326, Left Column, Line 2] wherein the database ~~comprises~~ <u>includes</u> further data objects having at least one further source parameter associated therewith and wherein the ~~method comprises the following steps~~ <u>includes</u>:.

identifying similar further data objects having <u>equal values of the</u> at least one further classification parameter ~~associated with each similar data object, wherein the further classification parameters of the similar further~~

~~data objects have equal values~~ (*when the user selects a particular event category, then icons appeared in the Map and Time Frame Components are restricted to be the ones in that category*) [Page 325, Right Column, Line 55 → Page 326, Left Column, Line 2], e.g., pictures in same event;

identifying similarity of values of the further source parameter of the further similar data objects having equal further classification parameters (when the user selects a particular event category, then icons appeared in the Map and Time Frame Components are restricted to be the ones in that category) [Page 325, Right Column, Line 55 → Page 326, Left Column, Line 2], e.g., pictures with similar location and / or time in same event;

associating the further classification parameter with the data object when <u>at least one of the at least one source parameter of</u> the data object is similar to <u>the further source parameter of</u> the further <u>similar</u> data objects (*If several videos and/or images are taken at the same location having insignificant time difference, then they are considered to belong to the same context and a single icon is used to represent them*) [Page 325, Left Column, Lines 55-58], e.g., same event category contains only pictures taken at similar location and / or time.

Regarding **claim 7**, and **as applied to claim 6 above**, Hewagamage et al. further discloses a method [Page 325, Left Column, Line 25 → Page 326, Left Column, Line 2] wherein the value of the further classification parameter and the similarity <u>of values</u> as criterion for associating a new data object with the further

classification parameter with the value are stored in a further database [Page 326, Figure 4] (*Events Component in the system is used to shows event categories grouping images/video clips as a way to shows contextual relevancy of data object taken at same location and/or time*) ([Page 325, Left Column, Lines 50-58], [Page 325, Right Column, Lines 50-58]).

Regarding **claim 9**, and **as applied to claim 6 above**, Hewagamage et al. further discloses wherein the value of the further source parameter (*geographical location, time*) [Page 323, Right Column, Line 13] is an alphanumerical string (*latitude and longitude information, timing information*) [Page 324, Left Column, Lines 45-46] and the similarity of values is identified as the further source parameters having equal values (*icons overlapped meaning pictures taken in the same or nearby location*) [Page 325, Left Column, Lines 50-58].

Regarding **claim 10,** and **as applied to claim 6 above**, Hewagamage et al. further discloses a method wherein the value of the further source parameter (*geographical location, time*) [Page 323, Right Column, Line 13] is a numerical value (*latitude and longitude information, timing information*) [Page 324, Left Column, Lines 45-46] and the similarity of values is identified as the further source parameters having their values in a predetermined range (*Sensor Agent works as a reactive agent to capture the location, time and possible event information from a personal scheduler*) [Page 324, Right Column, Lines 33-52], e.g., time when pictures are taken are within range of time from user's personal scheduling application.

Regarding **claim 11**, and **as applied to claim 3 above**, Hewagamage et al. further discloses a method wherein the source parameter represents at least one ~~a~~ of the following ~~entities~~ [Page 323, Right Column]:

a geographical location of the creation of the data object, [Line 13]

a date of creation of the data object,

a time of creation of the data object, [Line 13]

a name of the creator of the data object, and

a data format of the data object.

Regarding **claim 12**, and **as applied to claim 1 above**, Hewagamage et al. further discloses a method wherein the classification parameter corresponds to an event (*corresponding events*) [Page 323, Right Column, Lines 13-14].

Regarding **claim 13**, and **as applied to claim 1 above**, Hewagamage et al. further discloses a method wherein the data ~~objects are~~ object includes a stream ~~streams~~ still picture images (*digital images*) [Page 323, Right Column, Lines 3-4].

Regarding **claim 14**, and **as applied to claim 1 above**, Hewagamage et al. further discloses a method wherein the data ~~objects are~~ object includes a stream ~~streams~~ of audiovisual information (*digital videos*) [Page 323, Right Column, Lines 3-4].

Regarding **claim 15**, and **as applied to claim 1 above**, Hewagamage et al. further discloses a method wherein the classification parameter (*corresponding events*) [Page 323, Right Column, Lines 13-14] is associated with

the data object (*digital videos/images*) [Page 323, Right Column, Lines 3-4] by a

user (*interaction of user to obtain additional information about the corresponding

events using a voice input system, or guessing corresponding events from a

personal scheduler application*) [Page 324, Right Column, Line 33-52].

Regarding **claim 16**, and **as applied to claim 1 above**, Hewagamage et

al. further discloses a method ~~wherein~~ including storing the criterion ~~is stored~~ in a

further database (*Map Component, Time Frame Component, Events

Component*) [Page 325, Left Column, Line 25 → Page 326, Line 58].

Regarding **claim 17**, Hewagamage et al. clearly shows and discloses an

apparatus for classification of a data object in a database, the data object (*digital

videos / images*) [Page 323, Right Column, Lines 3-4] having at least one source

parameter (*geographical location, time*) [Page 323, Right Column, Lines 13-14]

associated therewith, the apparatus comprising:

a storage device ~~for storing~~ that is configured to store the database

(*data streams of camera are recorded in its internal memory*) [Page 324,

Right Column, Lines 39-40],

~~means for receiving~~ a receiver that is configured to receive data

objects (*when the user takes pictures, and passes the information to

Situational Agent*) [Page 324, Right Column, Lines 35-37] and

a central processing unit, wherein the central processing unit

(*Situational Agent is the central agent of the system and also carries out

the data management functions*) [Page 324, Right Column, Lines 37-39] is

~~conceived~~ configured to associate a classification parameter with the data

object (*digital videos / images*) [Page 323, Right Column, Lines 3-4] when

the source parameter (*geographical location, time*) [Page 323, Right

Column, Line 13] satisfies at least one criterion related to the classification

parameter (*pictures taken in same location and with insignificant time*

difference are grouped in same event) ([Page 325, Left Column, Lines 50-

58], [Page 325, Right Column, Lines 50-58]). Note that the criterion here is

values of location and time of different pictures are equal.

Regarding **claim 18**, Hewagamage et al. clearly shows and

discloses [Page 324, Right Column, Line 53 → Page 325, Left Column,

Line 4] a computer-readable medium (*prototype system*), comprising

instructions, ~~which~~ that are readable and executable by a computer

(*implementation using the Microsoft Agent software development kit,*

Microsoft Visual C++ and Amzi Prolog), wherein the instructions enable a

computer to execute the method according to **claim 1** (*system enabled*

three software agents to capture the situational information to work as

described in [Page 324, Right Column, Lines 33-52]).

Regarding **claim 19**, Hewagamage et al. clearly shows and discloses a

method comprising:

obtaining an image object and one or more source parameters

associated with the image object (*Several pictures are taken at the same*

location having insignificant time), the image object including one of: an

encoded image (*images*) and an encoded sequence of images (*video*)

([Page 325, Left Column, Lines 50-58]),

determining a classification parameter associated with the image

object based on at least one of the one or more source parameter

(*pictures taken in same location and with insignificant time difference are*

grouped in same event) ([Page 325, Left Column, Lines 50-58], [Page

325, Right Column, Lines 50-58]), and

storing the image object and the associated classification

parameter in a database that includes other objects with associated

classification parameters (*the data streams of camera are recorded in its*

internal memory and SIT transfers them while integrating the relevant

situational information when the connection is established, [Page 324,

Section 3, Right Column, Lines 39-42]).

Regarding **claim 20, as applied to claim 19**, Hewagamage et al. further

discloses the method including retrieving the image object from the database

based on the classification parameter (*Event categories are used to group*

images/video clips as a way to show the contextual relevancy of those icons.

When the user selects a particular event category, then icons appeared in the

Map and Time Frame Components are restricted to be the ones in that category.

Hence, the Events Component displays a contextual classification of the pictures

and allows the user to refine the focus of user-situations, [Page 325, Right

Colum, Line 50 → Page 326, Left Column, Line 2], and [Figure 4]).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in Section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Hewagamage et al. in view of **Shiomi et al. (Pat. No. US 6,009,439).**

        Regarding **claim 8**, Hewagamage et al. clearly shows and discloses the

claimed invention **as set forth in the rejection of claim 7 above,** in addition,

Hewagamage et al. further discloses a method comprises three further

databases (*Map Component, Time Frame Component, Events Component*)

[Page 325, Left Column, Line 25 → Page 326, Right Column, Line 2] to store

further source parameters (*geographical location, time*) [Page 323, Right

Column, Line 13] of the data object (*digital videos / images*) [Page 323, Right

Column, Lines 3-4]. However, Hewagamage et al. does not specifically disclose

the step of searching the further database to check whether the source

parameter of the data object matches at least one criterion stored in a further

database.

        In the same field of endeavor, Shiomi et al. discloses [Description of The

Preferred Embodiments, Embodiment 2, Column 24, Line 1 → Column 25, Line

15] a method to classify geographical data (*source parameter*) stored in retrieval

data storing unit (a magnetic disk storing a plurality pieces of data and each

piece is composed by area attribute, zip code attribute, and more) [Column 24,

Lines 6-19]. Furthermore, Shiomi et al. clearly shows the step of searching the

storing unit for geographical data for a character string (criterion is matching the

search query) specified by controlling unit [Column 24, Lines 21-27]. If a string-

match occurs, the geographical data is not classified since the data construct

only one group. [Column 24 - Line 51 to Column 25 – Line 15].

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made that further database will be checked to

confirm whether the source parameter of the data object matches at least one

criterion stored in the further database as taught by Shiomi et al. in the system of

Hewagamage et al. as described for easy classification and retrieval of data

object in a database.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday - Friday (7:30 am – 5:00 pm).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.
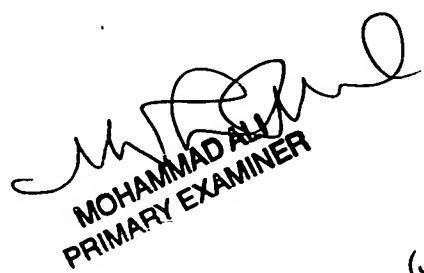
MOHAMMAD ALI
PRIMARY EXAMINER

S.H.

(June 18, 2007)